

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTOPHER GERNAND,

Plaintiff,

v.

ARAMARK CORPORATION,

Defendant.

No. 08 CV 1482

**Hon. Ruben Castillo
Judge Presiding**

Magistrate J. Denlow

JOINT STATUS REPORT

I. The Nature of the Case

A. The attorney of record for Plaintiff Christopher Gernand is Lisa Kane, of Lisa Kane & Associates, 120 S. LaSalle Street, Suite 1420, Chicago, IL 60603. The attorneys of record for Defendant is Barry A. Hartstein and John R. Richards, Morgan, Lewis & Bockius LLP, 77 West Wacker Drive, Fifth Floor, Chicago, IL 60601.

B. The basis for federal jurisdiction over Counts I and II is pursuant to 28 U.S.C. §§ 1343(a)(3) and (4), 28 U.S.C. § 1331, 29 U.S.C. § 621 et seq. and 29 U.S.C. §§ 2601 et seq.

C. Plaintiff seeks redress for unlawful discharge in violation of his rights under the Family Medical Leave Act of 1993 (“FMLA”), as amended, 29 U.S.C. §§ 2601 et seq. (Count I) and age discrimination in violation of his rights under the Age Discrimination in Employment Act of 1967 (“ADEA”), as amended, 29 U.S.C. § 621 et seq. (Count II).

D. The major legal and factual issues in the case include establishment of the elements of Plaintiff’s claims for age discrimination under the ADEA and unlawful discharge under the FMLA, and any defenses thereto.

E. The relief sought by Plaintiff includes:

1. All actual, consequential, liquidated and compensatory damages Plaintiff would have received but for the discrimination, including but not limited to back pay, front

pay, and future wages;

2. A permanent injunction enjoining Defendant from engaging in the discriminatory practices complained of herein;

3. Affirmative relief necessary to ensure equal treatment based on age and FMLA status;

4. A declaratory judgment that Defendant's actions violate federal law;

5. An award of reasonable attorneys' fees, costs, and litigation expenses; and

6. Such other relief as the Court may deem just or equitable.

II. Pending Motions and Case Plan

A. There are no pending motions. Defendant answered Plaintiff's Complaint.

B. The parties submit the following regarding a discovery plan:

1. The types of discovery needed include interrogatories, requests for production of documents, requests for admissions, and depositions.

2. The parties have agreed to a deadline of May 26, 2008 to exchange initial Rule 26(a)(1) disclosures.

3. As to fact discovery, the parties agree to a deadline of September 5, 2008, for the completion of fact discovery.

4. The parties do not expect to conduct expert discovery.

5. The parties request until October 6, 2008 to file their dispositive motions.

6. The parties agree to a deadline for filing the final pretrial order of sixty (60) days after the Court's ruling on any dispositive motions or as ordered by the Court.

C. With respect to the trial,

1. Plaintiff and Defendant request a jury trial.

2. Plaintiff submits that the probable length of the trial will be 3-4 days.

3. The parties agree that the case will be ready for trial ninety (90) days after the Court's ruling on any dispositive motions or as otherwise ordered by the Court.

III. The parties do not consent to proceed before a Magistrate Judge.

IV. Status of Settlement Discussions

A. The parties are engaged in settlement discussions. Plaintiff has made a demand and Defendant has made a counter-offer. A settlement conference in this matter is scheduled for May 8, 2008.

Dated: May 5, 2008

s/ Lisa Kane
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